

MINUTES
NEVADA STATE BOARD OF OPTOMETRY
REGULAR MEETING

May 12th, 2006
Airport Plaza Hotel
1981 Terminal Way
Conference Room 222
Reno, Nevada

Dr. Alleman asked for public comment.

Hal Taylor, Esq., the attorney for Farnaz Khankhanian, O.D. stated he had a few comments relating to the lawsuit filed by him against the Board on behalf of Dr. Khankhanian. Mr. Taylor stated no appeal of the dismissal of the case would be filed. He continued, expressing his opinion relative to the current laws in the State of Nevada regarding licensure of optometrists, suggesting changes he thought should be made, legislatively and otherwise. At the conclusion of his comments, Dr. Alleman suggested Mr. Taylor contact the Nevada Optometric Association, stating legislative changes of the nature suggested by Mr. Taylor would be initiated by that entity.

Dr. Khankhanian addressed the Board, explaining her reasons for relocating to the State of Nevada, recapping for the Board, her prior practice history, and expressing her dissatisfaction relative to the licensure requirements. She concluded by suggesting the Board prepare a test for her to take. Dr. Alleman thanked Dr. Khankhanian for her comments.

Dr. Lent stated his attendance at the meeting was for the purpose of complimenting the Board on its past decisions and to thank Ms. Kennedy for the information she furnishes to the licensees in the State.

A regular meeting of the Nevada Board of Optometry was called to order by Board President, Kurt G. Alleman, O.D., at 10:42 a.m. on May 12th, 2006, in Conference Room 222, of the Airport Plaza Hotel, 1981 Terminal Way, Reno, Nevada.

Present at the meeting were:

Kurt G. Alleman, O.D., Board President
Brad C. Stewart, O.D., Board Member
Jack Sutton, O.D., Board Member
George Bean, Board Member
Judi Kennedy, Executive Director
Dianna Hegeduis, Chief Deputy Attorney General

Also present at the meeting were:

Farnaz Khankhanian, O.D.
Hal Taylor, Esq., Counsel for Farnaz Khankhanian, O.D.
Gerald Lent, O.D.
Stella Lau, O.D.

The minutes of the Board's March 10th, 2006, meeting were presented for approval. Dr. Sutton moved the Minutes be approved as drafted. Mr. Bean seconded the motion. The vote was unanimous.

Agenda Item 8. Noting the presence of Dr. Stella Lau, the Board moved to the agenda item. Dr. Alleman asked Dr. Lau if she wished to address the Board. Dr. Lau replied she did. Dr. Lau stated she realized she was not eligible for licensure in Nevada at this time based on her failure, in three attempts, to pass certain sections of the NBEO examination. Dr. Lau went on to state her concern was her obligation to repay WICHE funds received, and that the amount subject to repayment would increase were she not practicing in Nevada by a certain date. There ensued a discussion between Dr. Lau and the members of the Board, during which, among other options, the Board suggested Dr. Lau seek employment at either a VA Medical Center in Nevada, or possibly through the Indian Health Service. Dr. Lau thanked the members for their suggestions.

Agenda Item 3. The complaint of Judi D. Kennedy, as Executive Director vs. Cynthia Ann Solberg, O.D. Ms. Kennedy advised the Board that Dr. Solberg had listed a practice address on her

application for renewal, which differed from her practice location of record. Ms. Kennedy continued, stating Dr. Solberg had not commenced practicing at the new location until subsequent to March 1st, 2006, therefore there was no violation. Dr. Sutton moved the complaint be dismissed for lack of merit. Dr. Stewart seconded the motion. The vote was unanimous.

Agenda Item 4. The complaint of Judi D. Kennedy, as Executive Director vs. Robert D. Hillstead, O.D. Ms. Kennedy advised the Board that Dr. Hillstead had listed a practice location on his application for renewal, which differed from his practice location of record. Ms. Kennedy continued, stating Dr. Hillstead had not commenced practicing at the new location until subsequent to March 1st, 2006, therefore there was no violation. Dr. Stewart moved the complaint be dismissed for lack of merit. Dr. Sutton seconded the motion. The vote was unanimous.

Agenda Item 5. The Board reviewed the co-management agreement produced by Dr. Devries. The Board found the agreement to be compliant with the requirements of the statutes and determined no further action was necessary.

Agenda Item 6. The Board reviewed the correspondence from Dr. Rowan regarding the Board's directive that certain advertising be revised. The Board determined the ad was no longer running, and no further action was necessary.

Agenda Item 7. The Board reviewed the April 9th, 2006, correspondence from Dr. Sonal H. Shah. At the conclusion of its review and discussion, the Board directed Ms. Kennedy to write Dr. Shah and advise that based on her test scores she is not, at this time, eligible for licensure in Nevada, and suggesting she retake the sections in which the scores did not meet the statutory requirements for licensure.

Agenda Item 9. Ms. Hegeduis advised the Board Case No. 05-01628A, Farnaz Khankhanian vs. Nevada State Board of Optometry had been dismissed, and that Dr. Khankhanian had 30 days from April 24th, 2006, to file an appeal of the dismissal.

Agenda Item 10. Ms. Kennedy directed the Board's attention to the written proposal of Robert Crowell, Esq., to provide lobbying services to the Board during the 2007 legislative session. After discussion, the Board directed Ms. Kennedy to meet with Mr. Crowell and report back to the Board.

Ms. Kennedy advised the Board that all applicants who had taken the law exam through the NBEO in April had passed the exam.

Dr. Alleman asked for public comment.

Mr. Taylor commented on the Board's discussion with Dr. Lau.

Dr. Khankhanian stated she felt the requirements for licensure in Nevada did not make sense, citing once again her past experience. In numerous instances Dr. Khankhanian referred to the Board Members as "you people," compelling Dr. Sutton to respond by admonishing her the members of the Board were not "you people," but were individuals appointed by the Governor of the State of Nevada to enforce the laws relating to the practice of optometry in the State. Dr. Sutton continued, stating the members are intelligent and fair people who are constrained to enforce the laws relative to the practice of optometry in Nevada, that he understood her inquiry relative to a change in the law, and suggesting that she contact the Nevada Optometric Association regarding any statutory changes. Ms. Hegeduis stated, once again, the Board has no discretion in the situation.

The Board confirmed a regular meeting had been scheduled for Friday, July 14th, 2006,. The meeting will be held via telephone conference.

The Board scheduled a regular meeting for September 22nd, 2006, in Las Vegas.

Mr. Bean moved the meeting adjourn. Dr. Sutton seconded the motion. The meeting adjourned at 11:18 a.m.